

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

<b>JESSICA WILLIS</b>	)
<i>ex rel. J.C., a minor child,</i>	)
	)
Plaintiff,	) <b>Civil Action No. 5:11cv071</b>
v.	)
	)
<b>MICHAEL J. ASTRUE,</b>	) <b>By: Michael F. Urbanski</b>
<b>Commissioner of Social Security,</b>	) <b>United States District Judge</b>
	)
Defendant.	)

**ORDER**

This matter was referred to the Honorable James G. Welsh, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for the proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on August 7, 2012, recommending that plaintiff's motion for summary judgment be denied, the Commissioner's motion for summary judgment be granted and the Commissioner's final decision be affirmed. Plaintiff has filed objections to the report and recommendation.

The court has reviewed the magistrate judge's report, the objections to the report, and the pertinent portions of the administrative record, and concludes that the magistrate judge's report is substantially correct. Plaintiff first objects that while the ALJ explained in great detail why claimant's impairments did not functionally equal a listed impairment, the administrative law judge did not explain why the claimant's impairments did not meet or medically equal a listed impairment. This objection elevates form over substance. As the report and recommendation recognizes, the ALJ's decision thoroughly evaluates the evidence concerning claimant's impairments, and it is clear from the substance of the ALJ's decision that the conclusion that the claimant's impairments do not meet, medically equal or functionally equal any listing is amply

supported by substantial evidence. Plaintiff's second objection fares no better. In this objection, plaintiff chides the magistrate judge for engaging in a substantive review of the evidence as to whether the claimant's impairments functionally equal a listed impairment. The court finds no fault in the magistrate judge's detailed and thorough review of the record in this case. It is the function of a reviewing court to determine whether the Commissioner's decision is supported by substantial evidence, and the court sees no way to perform that review without detailed consideration of the claimed impairments and the legal arguments in each case. The report and recommendation of the magistrate judge does just that and correctly concludes that the Commissioner's decision is supported by substantial evidence. The court therefore adopts the report and recommendation.

Accordingly, it is **ORDERED** and **ADJUDGED** that plaintiff's motion for summary judgment (Docket # 7) is **DENIED**, that the Commissioner's motion for summary judgment (Docket # 9) is **GRANTED**, plaintiff's objections to the report and recommendation (Docket # 13), are **OVERRULED**, the Commissioner's decision is **AFFIRMED**, and that this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: January 29, 2013

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge